

**SEPTEMBER 10, 2019 MINUTES
REGULAR WHEATLAND CITY COUNCIL MEETING
WHEATLAND COMMUNITY CENTER
101 C STREET, WHEATLAND, CA
6:30–7:35 P.M.**

COUNCIL MEMBERS PRESENT: R. Coe, J. Henderson, *L. McIntosh, J. Pendergraph
R. West

OTHERS PRESENT J. Goodwin, City Manager
J. Buckman, City Attorney
T. Raney, Community Development Director
S. Mahoney, Finance Director
A. Wightman, Police Chief
A. Paquette, Fire Chief
S. Riley, Deputy City Clerk

PLEDGE OF ALLEGIANCE:

City Council Member R. Coe led the pledge of allegiance.

Mayor Henderson announced that the Public Hearing related to Bishop Pumpkin Farm Development Agreement Amendment No. 2 scheduled for this meeting is cancelled.

PUBLIC COMMENT

1) Pam Walsh commented she this is her fourth request to have the ‘No Thru’ street sign replaced on the corner of E and Main Streets placed on the City Council meeting agenda; why wasn’t Main Street paved from E Street to the westerly terminus according to Bishop Pumpkin Farm MOU No. 2; according to MOU No. 2, all work was to be completed by the beginning of September and handicap parking at Big’s Al’s Market and the Village Pharmacy to be investigated as it is not adequate. Walsh requested all items mentioned be brought to a City Council meeting for discussion.

2) Chris Walsh commented on the Bishop Pumpkin Farm meeting was never intended for public input; the traffic plan is a 100% failure, traffic is 365 days a year problem and 21 hours a day, for eight weeks during the Pumpkin Farm season; the public was not notified of Bishop Pumpkin Farm Development Agreement Amendment No. 2. Walsh added that the public has formed an Ad Hoc committee and requested documents related to a traffic study and financial reports. Walsh requested written guidelines for adding items to future City Council meeting agendas and stated the City needs to act now. Walsh requested all items mentioned be brought t a City Council meeting for discussion.

3) Pamela Shelton commented on adding items to the next City Council meeting agenda related to health and safety, speeding during non-peak hours, increase vehicle emissions, inadequate entrance and exit signs, stop signs, lowered speed limit signs and signs for buses, public right-of-way addressing ADA concerns, dust, fireworks, alcohol sales and increase in crime from the Bishop Pumpkin Farm. Shelton stated that the Pumpkin Farm is a nuisance per the City’s Municipal Code. Shelton requested information for distribution of funds related to the Bishop Pumpkin Farm. Shelton requested all items mentioned be brought to a City Council meeting for discussion.

4) Rick Shelton provided City Council members with a handout and commented on the City’s Organization Chart and the citizens disappointment in the City; City revenue from Bishop Pumpkin Farm. Shelton stated he would like to add an item to the City Council meeting agenda addressing the impact of Bishop Pumpkin Farm. Shelton requested all items mentioned be brought to a City Council meeting for discussion.

5) Trisha Kelly commented on the length of the contract for Bishop Pumpkin Farm; alcohol sales and

dangerous drunk drivers vandalizing resident's property. Kelly stated she does not feel the City has adequate police coverage during the Pumpkin Farm season.

City Council Member L. McIntosh requested the name of the public Ad Hoc Committee. C. Walsh responded the committee is newly formed and there is no name.

CONSENT CALENDAR

Motion was made by Council Member J. Pendergraph, Seconded by Council Member R. Coe to approve minutes of the regular meeting on August 27, 2019. Vote called – AYES: Pendergraph, Coe, McIntosh and West. ABSTAIN: Henderson. Motion carried.

REGULAR CALENDAR

1) City Manager Jim Goodwin presented the staff report for consideration of resolution consenting to the inclusion of properties within the territory of the City in the CSCDA Open Pace Program; and other matters related thereto. CSCDA Open PACE is being offered to allow property owners in participating cities and counties to finance renewable energy, energy water efficiency improvements, seismic improvements and electric vehicle charging infrastructure on their property. Participation in the assessment is 100% voluntary by the property owner. The improvements installed on the owner's property are financed by the issuance of bonds by CSCDA. The bonds are secured by a voluntary contractual assessment levied on the owner's property. Property owners who wish to participate in PACE agree to repay the money through the voluntary contractual assessment collected with property taxes. The voluntary contractual assessments will be levied by CSCDA and collected in annual installments through the applicable county secured property tax bill. According to CSCDA, the benefits to the property owner include: CSCDA Open PACE provides five options with a mix of residential and commercial PACE to property owners: AllianceNRG Program, PACE Funding, CaliforniaFIRST, Clean Fund Commercial PACE Capital and Petros PACE Finance. Property owners can shop for the best price and service through the availability of the PACE administrators. In today's economic environment, alternatives for property owners to finance renewable improvements may not be available. Many property owners do not have financing options available to them to lower their utility bills. Energy prices continue to rise and installing energy efficient, water efficient and renewable energy models lower utility bills. Only property owners who choose to finance improvements will have assessments placed on their property. Under Chapter 29, a voluntary contractual assessment stays with the property upon transfer of ownership. Most private loans are due on sale of the property. Certain mortgage providers will, however, require the assessment be paid at the time the property is refinanced or sold. The property owner can choose to pay off the assessments at any time, with no residential prepayment penalties. Part of the success of the CSCDA Open PACE is prompt customer service. The economic terms of PACE financing will often be more favorable than other options. Competition in the marketplace is a good thing and cities and counties are encouraged to approve multiple providers to create a competitive environment. The PACE assessment in effect is not a personal obligation of the property owner through a conventional loan or mortgage but an assessment on the property secured by an assessment lien and collected as part of the regular tax roll on the property. CSCDA cites the benefits to the City of Wheatland as: CSCDA has pre-qualified the PACE Administrators based on their business practices, qualifications, experience, and capital commitment to the PACE market. The City can pass a single resolution and provide access to residential and commercial property owners to highly qualified PACE administrators. There is no need to pass multiple resolutions to approve the administrators. The CSCDA Open PACE platform can provide financing for all aspects of PACE including: 1) Residential, 2) Commercial, and 3) Seismic strengthening programs such as Mandatory Soft Story programs. Property improvements provide jobs in the local economy. Updated and higher efficient homes are generally more valuable. Property improvements result in an increase in sales, payroll and property tax revenue to the City of Wheatland. As in conventional assessment financing, the City is not obligated to repay the bonds or to pay the assessments levied on the participating properties. Unlike

conventional assessment financing, the City has no administrative duties and its name is not on the bonds, as CSCDA's name is on the bonds. All CSCDA Open PACE and assessment administration, bond issuance and bond administration functions are handled by CSCDA and the Administrators; AllianceNRG Program, PACE Funding Group and Renewable Funding, CleanFund Commercial PACE Capital and Petros PACE Finance. No City staff time is needed to participate in CSCDA Open PACE. The City can provide access for its residents to CSCDA Open PACE without the higher staff costs that an independent program established by the City would require. The City will receive periodic updates on CSCDA Open PACE projects that have been completed in their community. Participating in CSCDA Open PACE demonstrates the City's commitment to do everything in its power to improve the environment. CSCDA (and not the city) will be responsible for entering into voluntary contractual assessment agreements with participating property owners, levying the voluntary contractual assessments, issuing bonds to finance the Improvements and taking remedial actions in the event of delinquent assessment payments. The resolution expressly provides that the county or city will not be responsible for the conduct of any assessment proceedings, the levy of assessments, any required remedial action in the case of delinquencies in assessment payments, or the issuance, sale or administration of any bonds issued in connection with CSCDA Open PACE.

Mayor J. Henderson commented on assessment that is set up, what is the typical life of the assessment and questioned where funds come from. Henderson also questioned if the assessment follows the property and is it paid off when property sells. Rachel Hobbs, Director of Market Development for PACE Funding Group responded depends on the project that is being financed and funded through private companies. Vice Mayor R. West questioned if the City will be providing applications. Hobbs responded applications are provided through contractors. West questioned who is responsible if the loan falls into default. Hobbs responded the City will not be involved. Hobbs added the assessment can transfer if the property is sold.

Motion was made by Council Member R. Coe, Seconded by Council Member J. Pendergraph to **approve Resolution No. 33-19 Consenting to the Inclusion of Properties Within the Territory of the City in the CSCDA Open Pace Programs; Authorizing the California Statewide Communities Development Authority to Accept Applications From Property Owners, Conduct Contractual Assessment Proceedings and Levy Contractual Assessment Within the Territory of the City; and Authorizing Related Actions.** Vote called – AYES: All. Motion carried.

2) City Manager Jim Goodwin presented the staff report for discussion and consideration of a resolution establishing the City of Wheatland Social Media Policy. Currently the City of Wheatland, through the Wheatland Police Department, has one social media account, a Facebook page for the department. In addition, staff will soon develop a more general Facebook site for the city. However, the city does not have a policy governing the use of social media. The policy will provide guidelines for both city staff and the public regarding any current or future social media presence.

Vice Mayor R. West suggested the policy should be reviewed yearly.

Mayor J. Henderson questioned if a staff member will be assigned to handle content on the Facebook page. City Manager J. Goodwin stated the City Clerk's office is assigned to handle content on the Facebook page.

Motion was made by Mayor J. Henderson, Seconded by Council Member R. Coe to **approve Resolution No. 34-19 Establishing a Social Media Policy for the City of Wheatland.** Vote called – AYES: All. Motion carried.

3) Community Development Director Tim Raney presented the staff report for discussion of the potential suspension of the Wheatland Planning Commission. The City of Wheatland has maintained a Planning Commission for a significant number of years in order to review land use and design related issues in the city. For program and policy related items, such as general plan and zoning amendments, the Planning Commission

has served in a review capacity making recommendations to the City Council. For other planning requests, such as conditional use permits and architectural and design review, the Planning Commission has served as the final authority. The purpose of the Wheatland Planning Commission is identified in the Wheatland Municipal Code. It should also be noted that according to the Wheatland Municipal Code all members of the planning commission serve at the pleasure of the City Council and may be removed from office without cause at any time by a majority vote of the City Council. In the past, during active development periods, the Wheatland Planning Commission has played a vital role in the processing of new development applications in the city. When the city has experienced significant volumes of planning applications, the Planning Commission has provided a relief to the City Council workload. In addition, the Planning Commission has provided another opportunity for the public to provide input into the planning approval process. The current Planning Commission members have been dedicated to their roles and have provided a valuable service to the City of Wheatland. The City of Wheatland, however, has struggled to keep the five seats of the Planning Commission filled over the past several years. This has caused some issues in achieving a quorum on regular Planning Commission dates and puts additional pressure on the current Planning Commission members to attend all Planning Commission meetings. In addition, due to the economic downturn over the past decade, the City of Wheatland has experienced a significant reduction in the number of planning related applications to the City. This slowdown has resulted in a fewer number of agenda items that require a determination from the City's Planning Commission. Therefore, the City of Wheatland has cancelled more than half of the regularly scheduled Planning Commission meetings due to a lack of agenda items. This provides a struggle for the Planning Commissioners as they have two scheduled meetings each month that often do not occur but must keep their calendars free. The lack of meetings also reduces the opportunities of the commissioners to improve their skills and understanding of planning issues related to the City of Wheatland. Whether the Planning Commission meetings are scheduled or canceled, the management and operation of the Planning Commission continues to require staff time and costs. The City must maintain the Planning Commission schedule, public notices, agendas, meeting cancellation notices, and required State of California filings. Most of these tasks would be eliminated with the City Council serving as the City's official planning agency. As an example, for an agenda item seeking a recommendation from the Planning Commission to the City Council on a proposed Development Agreement, city staff must complete the following tasks at a minimum. Identified tasks and appropriate city staff members required to complete the tasks are: prepare and publish a public hearing notice (staff: Clerk, Planner); contact commissioners to ensure availability of a quorum (staff: Clerk); prepare and publish a meeting agenda (staff: Clerk); prepare, review, edit, and publish a staff report (staff: City Manager, City Attorney, Planner, Clerk); address questions from applicant, public, and commissioners prior to public hearing (staff: City Manager, City Attorney, Planner, Clerk); set up, attend, record the public hearing and provide staff report to the commissioners (staff: Clerk, Planner) and prepare meeting minutes and formally file the Planning Commission resolution (staff: Clerk). These staff efforts for a single agenda item can cost the city up to 40 hours of staff time. If the Planning Commission was to be suspended, these staff hours could be reallocated to other required duties. In addition, for items that require a City Council hearing for final action, the elimination of the duplicative staff efforts would save project applicants significant time and money.

Pamela Shelton commented that she has been told several times that Main Street will become a thoroughfare to accommodate housing in Caliterra Ranch and increased traffic. Shelton questioned that if this project is in the works why the City would be considering suspending the Planning Commission. Chris Walsh commented on watershed and questioned what options have been looked at related to recruiting for a Planning Commission vacancy.

City Council Member J. Pendergraph commented that he had spoken to several residents about applying for the Planning Commission position. Pendergraph added that City Council reviews most items that go before Planning Commission. J. Pendergraph stated the suspension could be a good idea, however, there needs to be a discussion with current Planning Commissioners.

Mayor J. Henderson questioned if other agencies have taken this action. T. Raney responded that there are several other agencies that have suspended their Planning Commission. Raney added that it is not uncommon for Cities to suspend a Planning Commission and when planning items start to generate to reestablish the Planning Commission. City Manager J. Goodwin explained that action is not to 'dissolve' the Planning Commission, this item is informational for now. City Attorney J. Buckman explained that a workshop could be scheduled, or two City Council Members could be appointed to speak with Planning Commissioners. City Council Member R. Coe questioned how the City's current Planning Commissioners feel about this agenda item. T. Raney responded that at this time they are not aware of a potential suspension. Raney added that this is not a review of the current Planning Commission, this is a cost saving discussion. R. Coe questioned who were the last Planning Commissioners that left. T. Raney responded that Planning Commissioner Karan Curbow passed away and Robert Glynn resigned.

City Council Member L. McIntosh questioned if the Planning Commission is not suspended, could City Council Members be an alternate to the Planning Commission Board. T. Raney and J. Buckman responded no. McIntosh questioned if the City has an idea of discussion items for the Planning Commission ahead. T. Raney responded very little at this time.

Vice Mayor R. West questioned if Planning Commission meetings are bringing in an audience. T. Raney responded very few people, if any, attend. West questioned if the City would be better off from a litigation standpoint with two separate boards. J. Buckman stated it depends on the matter. West suggested this item should be discussed on a future meeting agenda with the Planning Commissioners in attendance.

City Manager J. Goodwin suggested directing the Community Development Director to meet with Planning Commissioners for feedback.

4) Finance Director Susan Mahoney presented the staff report for consideration and consideration to adopt a resolution establishing the Master Fee Schedule as of July 1, 2019. A municipality is authorized to establish reasonable fees for services rendered, provided that those fees do not exceed the estimated reasonable cost of providing the service for which the fee is charged. The City of Wheatland has established fees by authority of the Municipal Code, City Ordinances, City Resolutions, City development/funding agreements, and State and Federal statute. The Master Fee Schedule ("Schedule") has been updated to reflect the fees in place as of July 1, 2019. Building Fees and Garbage Fees have been removed from the Schedule since their fees are now set by contract with Yuba County and Recology respectfully. The Schedule will be posted on the City's website making it easier for citizens, staff, and interested parties to understand and access the City's various fees. The attached redlined version of the Schedule adopted August 2018 shows the changes that have been made to the fee amounts and descriptions. Certain fees are automatically increased each year based on either the change in the consumer price index (CPI) or the change in the engineering news record construction cost index (ENR). Depending on the fee, the increase is either the beginning of the fiscal year (July 1), the beginning of the calendar year (January 1), or on October 1. Resolution 26-19 reflects fees in effect on July 1, 2019 and directs staff to adjust the following fees on the dates indicated per previously adopted resolutions and ordinances: water and Sewer rates (Oct 1, 2019); fire Protection Facilities fee (Jan 1, 2020); impact fees (Jan 1, 2020) and Planning and Engineering fees (Jan 1, 2020). Other fees are updated as needed to ensure that fees charged are enough to recover the cost of services provided. These fee adjustments will be presented for Council approval as necessary. The FOG (fats, oil, grease) fee and the Sign fees were increased on July 1, 2019 per resolutions 21-09 and 16-10. The staff report provided a chart of general classifications of City fees, the method for increasing the fee, and the date the fee is increased.

Vice Mayor R. West commented the Master Fee Schedule is a great process and exhibits transparency. West added the business license fees need to be reviewed and updated.

Mayor J. Henderson stated that now SYTIA fees are being established, the Master Fee Schedule needs to be reviewed. City Manager J. Goodwin responded this discussion will be scheduled on the City Council meeting agenda for September 24.

Motion was made by Council Member R. Coe, Seconded by Vice Mayor R. West to **adopt Resolution No. 26-19 Establishing the Master Fee Schedule as of July 1, 2019**. Vote called – AYES: All. Motion carried.

5) Finance Director Susan Mahoney presented the staff report for discussion and consideration of adoption of a resolution approving the City of Wheatland Debt Management Policy. The City has three outstanding loans from the United States Department of Agriculture (USDA). These loans are secured by net revenues of the City's Water and Wastewater Funds. Based on current market conditions, the City has an opportunity to refinance this debt at a significantly lower interest rate. Legislation (SB 1029) passed in September 2016 requires that a report of proposed debt issuance be submitted to the California Debt and Investment Advisory Commission (CDIAC) no later than 30 days prior to a debt issuance. The report must include certification by the issuer that it has adopted a debt policy concerning the use of debt and that tile contemplated debt issuance is consistent with the debt policy. Debt Management Policy has been prepared in response, to SB 1029. The Policy uses best practice guidelines as advocated by the Government Finance Officers Association and CDIAC. The CDIAC identifies the potential benefits of a formal debt policy: supports financial decisions that are transparent and consistent; establishes standard operating procedures to guide daily financial activities; provides performance measures and limits based on predetermined levels and benchmarks; provides justification for decisions; provides an interface between capital planning, long term financing objectives, and daily operations; focuses on the overall financial plan in contrast to individual issues; proactively safeguards public agencies from making unsuitable debt related decisions; provides consistency and instruction to new and transitioning staff and establishes an effective management mechanism for post-issuance compliance.

Motion was made by Council Member J. Pendergraph, Seconded by Vice Mayor R. West to **adopt Resolution No. 32-10 Approving the City of Wheatland Debt Management Policy**. Vote called – AYES: All. Motion carried.

REPORTS

Council Member R. Coe reported on the Yuba Sutter Economic Development Committee (YSEDC) meeting and that Yuba County has come back in to the YSEDC.

Chris Walsh questioned why the Public Hearing regarding Amendment No. 2 to Bishop Pumpkin Farm Development Agreement was cancelled for tonight's meeting. Mayor J. Henderson responded that the City Attorney is reviewing the agreement amendment before further action is taken by the City Council.

ADJOURN

There being no further business, Council Member J. Henderson adjourned the meeting at 7:35 p.m.

Minutes approved and adopted this 8th day of October 2019.

Joseph Henderson, *Mayor*

Lisa J. Thomason, *City Clerk*